

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re: ) Chapter 11  
 ) Case No. 01-1139 (JKF)  
W.R. GRACE & CO., *et al.*, ) Jointly Administered  
 )  
Debtors. )

**APPELLANT MARYLAND CASUALTY COMPANY'S  
DESIGNATION OF ISSUE TO BE PRESENTED ON APPEAL**

Maryland Casualty Company ("MCC"), pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, hereby designates the following issue to be presented on appeal in connection with the Notice of Appeal [Docket No. 26585] filed by MCC on March 18, 2011:

1. Whether the Bankruptcy Court erred in misstating that MCC "agreed" that the MCC Indemnity Rights<sup>1</sup> "do not extend to MCC's independent tortious conduct," an inaccurate statement of the record evidence and the position taken by MCC in the bankruptcy case.

Dated: April 1, 2011

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<sup>1</sup> As defined in *Maryland Casualty Company's Opening Post-Trial Brief In Support Of Its Phase II Objections To First Amended Joint Plan Of Reorganization Under Chapter 11 Of The Bankruptcy Code Of W.R. Grace & Co., et al., The Official Committee Of Asbestos Personal Injury Claimants, The Asbestos PI Future Claimants' Representative, And The Official Committee Of Equity Security Holders Dated As Of February 27, 2009* [Docket No. 23645].

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